

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EDDYS N. GARCIA, as Administrator of the
Goods, Chattels and Credits which were of
WENDY SANTOS, deceased, EDDYS N. GARCIA,
individually, EDDY I. GARCIA, an infant
by his father and natural guardian,
EDDYS N. GARCIA, and KENNY J. GARCIA, an
infant by his father and natural guardian,
EDDYS N. GARCIA,

**RULE 26 INITIAL
DISCLOSURE**

Docket No.
07 CIV 4045

Judge Lynch

Plaintiffs,

-against-

GINNETTI TRUCKING, LLC,

Defendant.

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S I R S:

PLEASE TAKE NOTICE that the following is plaintiffs' Rule
26 Response:

1. Annexed hereto is a copy of the police accident
report together with laser color copies of police scene
photographs. Also enclosed are photographs taken of the
subject vehicle by the plaintiff, Eddys Garcia, and
photographs obtained from R.C. Services, the plaintiff's
investigator.

2. See response to number 1 above.

3. Damages claimed:

Wendy Santos, deceased.

(a) Past and future loss of earnings
claimed for the decedent will be
provided. Upon information and belief,
the decedent earned approximately \$23,000
per year. The exact amount will be
provided together with tax returns and an

authorization for the decedents employment records. Future loss of earnings will be claimed and provided with plaintiff's economic expert's report.

(b) Loss of household services as a result of the decedent's death will be claimed by her surviving spouse, the plaintiff, Eddys N. Garcia, in the sum of \$5,000,000.00 dollars based upon the services provided.

(c) Damages for the decedent's conscious pain and suffering will be claimed in the sum of \$500,000.00 dollars, including apprehension of her imminent death.

Eddy I. Garcia.

(a) Loss of parental care and guidance on behalf of Eddy I. Garcia, whose date of birth is September 10, 1992, as a result of the death of his mother based upon the care, guidance, nurturing advise and counseling that a mother provides to her child, in the sum of \$4,000,000 dollars.

(b) Damages in the sum of \$3,500,000.00 will be claimed as a result of Eddy I. Garcia, being within the zone of danger, was caused under all of the circumstances surrounding the occurrence, to have imposed upon his view of observation, the knowledge of severe harm and serious peril to his mother and father, Wendy Santos and Eddys N. Garcia, and his brother, Kenny J. Garcia.

(c) Eddy I. Garcia, has been caused to suffer severe mental and emotional trauma, distress, disturbance, depression and anguish as a result of the entirety of the occurrence and the adverse effects thereof upon his own well-being and the well-being of his loved ones, Wendy Santos, Eddys N. Garcia and Kenny J. Garcia, and upon information and belief, some of these injuries are of a permanent and lasting nature.

Kenny Garcia.

(a) Loss of parental care and guidance on behalf of Kenny Garcia, whose date of birth is January 15, 1997, as a result of the death of his mother based upon the care, guidance, nurturing advise and counseling that a mother provides to her child, in the sum of \$4,500,000 dollars.

(b) Damages in the sum of \$3,500,000.00 will be claimed as a result of Kenny Garcia, being within the zone of danger, was caused under all of the circumstances surrounding the occurrence, to have imposed upon his view of observation, the knowledge of severe harm and serious peril to his mother and father, Wendy Santos and Eddys N. Garcia, and his brother, Eddy I. Garcia.

(c) Kenny J. Garcia, has been caused to suffer severe mental and emotional trauma, distress, disturbance, depression and anguish as a result of the entirety of the occurrence and the adverse effects thereof upon his own well-being and the well-being of his loved ones, Wendy Santos, Eddys N. Garcia and Eddy I. Garcia, and upon information and belief, some of these injuries are of a permanent and lasting nature.

Eddys N. Garcia

(a) Damages in the sum of \$3,500,000.00 will be claimed as a result of Eddy's N. Garcia, being within the zone of danger, was caused under all of the circumstances surrounding the occurrence, to have imposed upon his view of observation, the knowledge of severe harm and serious peril to his wife, Wendy Santos, and his sons, Eddy I. Garcia and Kenny J. Garcia.

(b) Eddys N. Garcia, has been caused to suffer severe mental and emotional trauma, distress, disturbance, depression and anguish as a result of the entirety of the occurrence and the adverse effects

thereof upon his own well-being and the well-being of his loved ones, Wendy Santos, Eddy I. Garcia and Kenny J. Garcia, and upon information and belief, some of these injuries are of a permanent and lasting nature.

(c) Eddys N. Garcia has also been caused to sustain a C1 fracture of the cervical spine along with a flexion/extension injury to the cervical spine with avulsion of the C1-2 ligaments requiring the use of a cervical collar and additional medical treatment. Damages are claimed for these injuries in the sum of \$300,00.00.

4. Past medical - This was covered by No-Fault Insurance. An authorization for the no-fault file is annexed hereto.

5. Other than the no-fault insurance information, this section is not applicable.

Dated: New York, New York
June 8, 2007

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